

REMARKS

The present Amendment amends claims 2, 3 and 10-13 and leaves claims 4-9 unchanged. Therefore, the present application has pending claim 2-13.

Claims 2, 3, 12 and 13 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-13 of U.S. Patent Nos. 6,693,999 and 6,510,212. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 2, 3, 12 and 13 are taught or suggested by claims 1-13 of the prior patents. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claims 2, 3, 12 and 13 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement. Particularly, the Examiner alleges that claims 2, 3, 12 and 13 were amended to include the term "terminal equipment" which the Examiner alleges was not described in the specification. Applicants do not agree with this rejection by the Examiner. Particularly, the specification as originally filed clearly describes apparatus which would be equivalent to "terminal equipment" as would have been well understood by those of ordinary skill in the art. However, in order to expedite prosecution of the present application

amendments were made to the claims to change the term "terminal equipment" to the term "portable telephone". The portable telephone is illustrated in the drawings and discussed in the specification as element 101.


Thus, the claims have been amended to correspond to the language used in the specification and illustrated in the drawings. Therefore, reconsideration and withdrawal of the 35 USC §112, first paragraph rejection of claims 2, 3, 12 and 13 is respectfully requested.

In view of the foregoing amendments and remarks, applicants submit that claims 2-13 in condition for allowance. Accordingly, early allowance of claims 2-13 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.40609CX2).

Respectfully submitted,

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